

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
TRANS-SPEC TRUCK SERVICE, INC.)	
d/b/a TRUCK SERVICE,)	
)	
Plaintiff)	
)	
vs.)	CIVIL ACTION NO. 04-11836-RCL
)	
CATERPILLAR INC.)	
)	
Defendant)	
_____)	

REQUEST FOR HEARING ON MOTION FOR SANCTIONS


The defendant Caterpillar Inc. requests oral argument on Caterpillar Inc.'s Motion for Sanctions.

Oral argument is needed: (a) because Trans-Spec, in its opposing papers, has not responded to Caterpillar's evidence, *see* pages 7 to 8 of the motion at note 6 therein, that Trans-Spec's counsel in fact never intended to take any of the four depositions at issue as scheduled, notwithstanding the notices of deposition they served and their other representations (including representations to the Court as well as to Caterpillar's counsel) to the contrary; (b) because Trans-Spec's opposing papers contain untrue statements of material fact which can most efficiently be demonstrated to the Court at a hearing; and (c) Trans-Spec's opposing papers contain material statements of position and of fact which are demonstrably different from those previously made and which can most efficiently be demonstrated to the Court at a hearing. Caterpillar believes, in light of the very large dollar amount involved, the nature of the dispositive factual issues as now defined by the parties' respective filings, and the type of conduct involved, that a hearing is needed.

CATERPILLAR INC.,

By its attorneys,

CAMPBELL CAMPBELL EDWARDS
& CONROY, P.C.



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CERTIFICATE OF SERVICE

I, John A.K. Grunert, hereby certify that on February 23, 2006, I served the within request for hearing by transmitting a copy electronically to Christian Samito, Esquire, Donovan Hatem LLP, Two Seaport Lane, Boston, MA 02210.



John A.K. Grunert